

Wiretaps Probably Not Approved By Mitchell, Police Expert Says

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The D.C. police department's top handwriting expert said this week it is "highly probable" that former Attorney General John N. Mitchell did not personally authorize telephone wiretaps used in a major narcotics investigation here four years ago.

The findings raises the possibility of a dismissal of narcotics charges against 12 suspects arrested in what prosecutors have described as a major interstate dope ring. Court rulings have required the attorney general's personal authorization of such wiretaps.

Mitchell, currently on trial in the Watergate cover-up, filed a sworn affidavit with U.S. District Judge Joseph Waddy two weeks ago in which he said he did personally approve the taps.

After receiving the handwriting analysis by police documents analyst James T. Miller, Waddy scheduled a hearing for Nov. 23 at which Mitchell and his former administrative assistant at the Justice Department, Sol Lindenbaum, are expected to be called as witnesses.

If Judge Waddy rules that

Mitchell did not personally approve the taps, the case could be dismissed as a result of a recent Supreme Court ruling requiring personal approval by the Attorney General.

As it is, the prosecutor's office here has had a difficult time in proceeding with the four-year-old case, which was announced with fanfare at the time of the arrest of 21 suspects. Prosecutors said it represented the disruption of one of the largest networks of narcotics distribution in Washington.

At the time, prosecutors claimed that the wiretaps were the biggest single factor "in smashing such interstate narcotics wholesale operations which cannot otherwise be detected."

However, Judge Waddy ruled in early 1971 that none of the evidence on the wiretaps could be used because government agents operating the taps had not taken steps to minimize the amount of non-criminal conversation they listened to while eavesdropping on the suspects' telephones.

The government appealed that decision, saying its case was worthless without the taps as evidence.

The appeals court here, meanwhile, waited for a Supreme Court ruling on the question of minimizing the overhearing of conversations before deciding the appeal in the local case.

In June of this year, the appeals court said that Waddy should hold further hearings on the wiretap issue in the local case to make sure he had enough details of the overhearing to rule that all of the evidence should be suppressed.

Waddy again ruled last week in the case, which now involves alleged narcotics dealer Frank R. Scott and 11 others, that the evidence could not be used. The government has indicated it will appeal the new ruling.

Meanwhile, the issue of Mitchell's approval of the taps came up during the recent hearings before Waddy.

Defense attorneys suggested that a handwriting analysis be prepared, and Judge Waddy ordered Miller to take on the job. Miller took handwriting samples from Mitchell last

week and compared them to the handwriting on the authorizations.

Although Miller said that Mitchell's initials on the authorizations weren't enough "to give a definite opinion," he said that "none of the known specimens . . . had the same characteristics as are found in the three sets of questioned initials."

"As a result of a detailed comparison of all of the questioned and known writings, it is my opinion that it is highly probable that John N. Mitchell did not write the JNM initials on any of the three questioned documents," Miller wrote in his report.

Mitchell's attorneys have said that they expect Mitchell to stand by his sworn affidavit that he wrote his initials on the authorizations, adding that there is legal precedent that initials alone are not enough to make a definite handwriting analysis.